



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK NY 10004**

**MAILED**

**APR 22 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Baumkoetter et al.	:	
Application No. 10/534,768	:	<b>DECISION ON PETITION</b>
Filed: May 9, 2006	:	
Attorney Docket No. 2345/219	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 23, 2009, which will be treated as a petition to withdraw of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the non-final Office action mailed September 17, 2007, which set a shortened statutory period for reply of three (3) months. A three-month extension of time and reply under the provisions of 37 CFR 1.136(a) was timely obtained on March 17, 2008 (Certificate of Mailing date). A Notice of Abandonment was mailed on March 21, 2008.

Petitioner contends that a response in the form of an Amendment and extension of time was timely filed on March 17, 2008 (Certificate of Mailing date). A review of the record shows that this is the case.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The petition to revive under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee.

As petitioner also submitted a Notice of Appeal filed on December 8, 2008, this matter is being referred to Technology Center AU 2617 for further processing.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions